

MINUTES

**CITY OF IMPERIAL BEACH
CITY COUNCIL
PLANNING COMMISSION
PUBLIC FINANCING AUTHORITY
HOUSING AUTHORITY
IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY**

AUGUST 7, 2013

**Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932**

CLOSED SESSION MEETING – 5:00 P.M.

REGULAR MEETING – 6:00 P.M.

CLOSED SESSION CALL TO ORDER BY MAYOR

MAYOR JANNEY called the Closed Session Meeting to order at 5:00 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present:	Patton, Bilbray (arrived at 5:02 p.m.), Spriggs (arrived at 5:10 p.m.)
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	Bragg
Staff present:	Interim City Manager Wade; City Attorney Lyon; City Clerk Hald

CLOSED SESSION

MOTION BY BRAGG, SECOND BY PATTON, TO ADJOURN TO CLOSED SESSION UNDER:

1. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6:

Agency Designated Representative: City Manager

Employee Organizations: Imperial Beach Firefighters' Association (IBFA), Local 4692
Service Employees International Union (SEIU), Local 221

Unrepresented Employees: Confidential, Mid-management, Management

2. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION

Government Code Section 54956.9 (d)(1) (1 case)

Case Number 34-2012-80001158-CU-WM-GD: The Affordable Housing Coalition of San Diego Co. v. Sandoval, et al.

3. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

Initiation of Litigation pursuant to Government Code Section 54956.9(d)(4)

No. of Potential Cases: 2

MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: PATTON BRAGG, JANNEY

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: SPRIGGS, BILBRAY

ADJOURN CLOSED SESSION

MAYOR JANNEY adjourned the meeting to Closed Session at 5:01 p.m. and he reconvened the meeting to Open Session at 6:03 p.m.

Reporting out of Closed Session, CITY ATTORNEY LYON announced City Council discussed Item Nos. 1 through 3. For Item Nos. 1 and 3, City Council gave direction and no reportable action was taken. For Item No. 2, City Council directed staff to defend on the lawsuit.

MAYOR JANNEY adjourned the Closed Session meeting at 6:03 p.m.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 6:04 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present:	Patton, Bilbray, Spriggs
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	Bragg
Staff present:	Interim City Manager Wade; City Attorney Lyon; City Clerk Hald

PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

MAYOR JANNEY announced there was a request to discuss Item No. 2.3 and recommended pulling the item from the Consent Calendar for discussion after Item No. 6.3.

MOTION BY SPRIGGS, SECOND BY BILBRAY, TO PULL ITEM NO. 2.3 FROM THE CONSENT CALENDAR FOR DISCUSSION AFTER ITEM NO. 6.3. MOTION CARRIED UNANIMOUSLY.

MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE/COMMUNITY ANNOUNCEMENTS/REPORTS ON ASSIGNMENTS AND COMMITTEES

COUNCILMEMBER PATTON spoke about attending the Chili competition held at the IB Branch Library.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

None.

PRESENTATIONS (1.1-1.3)

1.1 RECOGNITION OF MARIA RAMIREZ, ADMINISTRATIVE SECRETARY I, SAN DIEGO COUNTY SHERIFF'S DEPT. (0410-30)

MAYOR JANNEY recognized Maria Ramirez for her service to the IB Police Department and the San Diego County Sheriff's Department IB Substation by presenting her with a proclamation.

1.2 RECOGNITION OF LT. MARCO GARMO, SAN DIEGO COUNTY SHERIFF'S DEPT. (0410-30)

MAYOR JANNEY presented a Proclamation to Lt. Marco Garmo in recognition of his service to the community while assigned to the San Diego County Sheriff's Department IB Substation. He declared August 7, 2013 as Marco Garmo Day in the City of Imperial Beach.

1.3 PRESENTATION ON WATER REUSE AS A STRATEGY TO SECURE SECONDARY EQUIVALENCY AT POINT LOMA WASTEWATER TREATMENT PLANT. (0620-75)

SCOTT TULLOCH, representing the Metro Wastewater JPA, gave a PowerPoint presentation on the item. He noted two major issues in the region:

1. the need to create a new, local and diversified water supply; and
2. to avoid an upgrade of Point Loma Wastewater Treatment Plant (PLWTP) to secondary, saving billions of dollars.

Possible solutions include: diverting substantial wastewater flows from the PLWTP through implementation of a regional water reuse program focused on potable reuse and to permit smaller secondary equivalent at PLWTP that reduces wastewater flows to the ocean. He gave a general overview of the Clean Water Act of 1972, reported on the history of the PLWTP permit and said that the City of San Diego must apply for a new permit or modified permit every 5 years. He emphasized the urgency in addressing this issue now because the modified permit that the PLWTP currently has will expire in July 2015. The new application has to be submitted prior to the deadline and it takes 1 year to put together the application. He continued with a review of the City of San Diego's Recycled Water Study which outlines alternatives to divert almost 100 MGD from the PLWTP. He concluded by saying the recommendation of the Metro Wastewater JPA is to:

1. create a long range (approximately 20 years) regional water reuse program focused on potable water reuse that provides a new, local, sustainable water supply and reduces the capacity of the PLWTP to 143 MGD and
2. obtain Federal legislation to permit lower capacity of the PLWTP at advanced primary that avoids billions of dollars in capital, financing, energy and operating costs and continues to protect the ocean environment.

He asked City Council to consider a resolution supporting the Metro Wastewater JPA's recommendation at a future City Council meeting.

COUNCILMEMBER SPRIGGS, IB's representative on the Metro Wastewater JPA, spoke in support for addressing the two major issues at the same time. He expressed concern about the long term problem of rising costs for water treatment and the rising costs for water as the supply of water decreases. He stressed that arid regions need to face the question about using recycled potable water as a source for drinking water. He supported the recommendations of the Metro Wastewater JPA in concept, stressing that although more information is needed regarding costs and the impacts to Imperial Beach and to the Southbay (e.g. increased flows to the Southbay treatment plant and outflow), such information will be developed during the early planning phase of this complex multi-year project.

MAYOR JANNEY suggested that the resolution proposed by the Metro Wastewater JPA be considered at the first City Council meeting in September. He encouraged City staff to work with Metro Wastewater staff to address issues that directly impact Imperial Beach and the Southbay. He asked Mr. Tulloch to bring back information on where the Navy stands on the issue.

COUNCILMEMBER SPRIGGS questioned the total cost benefit of indirect potable reuse. He spoke about the complexity of the issue and the difficulties in determining the costs associated with the different strategies. He was hopeful that defensible assumptions, along with cost comparisons based on sufficient examples from other areas such as Orange County, will be developed in the future.

SCOTT TULLOCH stated that cities are not expected to commit money at this time. Metro Wastewater JPA is seeking support to move forward.

CONSENT CALENDAR (2.1-2.2)

The following were submitted as Last Minute Agenda Information for Item No. 2.1:

- Revised Minutes for June 19, 2013, page 6 and
- Revised Minutes for June 26, 2013, page 3

MOTION BY BILBRAY, SECOND BY SPRIGGS, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 AND 2.2. MOTION CARRIED UNANIMOUSLY.

2.1 MINUTES.

Approved the revised minutes of the June 19, 2013 City Council Meeting, the minutes of the July 17, 2013 City Council Meeting and the revised minutes of the June 26, 2013 Special City Council Meeting.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 82797 through 82887 for a subtotal amount of \$932,583.75 and Payroll Checks/Direct Deposit 45358 through 45391 for a subtotal of \$162,683.05 for a total amount of \$1,095,266.80.

ORDINANCES – INTRODUCTION/FIRST READING/PUBLIC HEARING (3)

None.

ORDINANCES – SECOND READING/ADOPTION (4)

None.

PUBLIC HEARINGS (5.1)

5.1 RESOLUTION NO. 2013-7370 ADMINISTRATIVE SIGN PERMIT (ASP 130036) TO CONSTRUCT TWO FREESTANDING MONUMENT SIGNS FOR THE PIER SOUTH HOTEL LOCATED AT 800 SEACOAST DRIVE (APN 625-262-02-00) IN THE C-2 (SEACOAST COMMERCIAL) ZONE. MF 661. (0660-43)

MAYOR JANNEY declared the public hearing open.

SENIOR PLANNER FOLTZ gave a PowerPoint presentation on the item. He reported that the drawing approved by the Design Review Board (DRB) is no longer being proposed because there is a third logo that will appear on the sign. He noted that the DRB agreed to some modifications so the modified designs are consistent with the DRB's recommendation to City Council. He reviewed the modified proposals and recommended the following revisions to Resolution No. 2013-7370:

- Finding #1: "The face of each sign would provide the title of the hotel in brushed stainless steel, and title of the hotel's tenants restaurant in 3/16" thick aluminum cutouts painted to match logo colors (teal, blue, gray)."
- Condition #1: To change date of approved plan. The date for Design 3 would be August 1, 2013 and the date for Design 4 would be August 7, 2013.

COUNCILMEMBER PATTON spoke in support for Design 3.

MOTION BY PATTON, SECOND BY JANNEY, TO ADOPT RESOLUTION NO. 2013-7370 APPROVING THE ADMINISTRATIVE SIGN PERMIT (ASP 130036), WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS WITH REVISIONS TO FINDING #1 AS PROPOSED BY STAFF AND REVISIONS TO CONDITION #1 BY CHANGING THE APPROVED PLANS TO DESIGN 3, DATED AUGUST 1, 2013.

City Council discussion ensued.

In response to Councilmember Bragg's question about how graffiti and vandalism will be addressed, SENIOR PLANNER FOLTZ stated that the DRB had similar concerns and added a condition for the applicant to consider graffiti resistant materials and materials resistant to rusting.

CAREY ALGAZE, Planning Manager for Pacifica Companies, stated that these type of concerns are being addressed by the sign company and she spoke about the type of graffiti resistant materials being considered.

COUNCILMEMBER SPRIGGS commented that the sign looks very classy but expressed disappointment that a nighttime simulation showing the effects of the LED perimeter lighting was not presented.

No public speaker slips were submitted.

VOTES WERE NOW CAST ON MOTION BY PATTON, SECOND BY JANNEY, TO ADOPT RESOLUTION NO. 2013-7370 APPROVING THE ADMINISTRATIVE SIGN PERMIT (ASP 130036), WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS WITH REVISIONS TO FINDING #1 AS PROPOSED BY STAFF AND REVISIONS TO CONDITION #1 BY CHANGING THE APPROVED PLAN TO DESIGN 3, DATED AUGUST 1, 2013. MOTION CARRIED UNANIMOUSLY.

MAYOR JANNEY closed the public hearing.

REPORTS (6.1-6.4)

6.1 UPDATE REPORT ON CONSTRUCTION OF THE PIER SOUTH HOTEL. (0660-43)

INTERIM CITY MANAGER WADE introduced the item.

ALLISON ROLFE, Project Manager for Pacifica Companies, gave a PowerPoint presentation on the item. She reported the completion schedule is as follows:

- Guest Rooms – September 1
- Lobby and Function Room – October 15
- Spa, Fitness Room, Sundeck and Rooftop Paving, Outdoor Furniture – October 15
- Hotel Grand Opening – November 1
- Restaurant – Before Grand Opening

She displayed photos of a model guestroom and photos of the guestrooms, lobby, spa, restaurant and rooftop deck as they look today. She announced that the upcoming South County Economic and Development Council's Elected Officials Reception will be held at the hotel.

CAREY ALGAZE showed a simulation of the outdoor canopy that will be located outside the hotel restaurant.

6.2 RESOLUTION NO. 2013-7369 STATE COASTAL CONSERVANCY CLIMATE READY SEA LEVEL RISE GRANT APPLICATION. MF 1025. (0620-77)

INTERIM CITY MANAGER WADE introduced the item. He announced Emily Young, Vice President of the San Diego Foundation, submitted a letter of support. Copies of the letter were provided as Last Minute Agenda Information.

CITY PLANNER NAKAGAWA gave a PowerPoint presentation on the item. He noted that this grant does not require an LCP amendment and he responded to questions of City Council.

MOTION BY PATTON, SECOND BY SPRIGGS, TO ADOPT RESOLUTION NO. 2013-7369 APPROVING THE SUBMITTAL OF THE CLIMATE READY SEA LEVEL RISE GRANT APPLICATION TO THE STATE COASTAL CONSERVANCY. MOTION CARRIED UNANIMOUSLY.

6.3 RESOLUTION 2013-7371 AUTHORIZING INTERIM CITY MANAGER TO SIGN CHANGE ORDER NO. 9 TO PROFESSIONAL SERVICES AGREEMENT WITH RBF CONSULTING (FORMERLY HIRSCH AND COMPANY; CONTRACT NO. 2085) FOR THE STORM WATER POLLUTION PREVENTION PLAN (SWPPP) PREPARATION AND MONITORING FOR THE BAYSHORE BIKEWAY ACCESS (S12-101) AND PUBLIC WORKS YARD RENOVATIONS (F05-101) CAPITAL IMPROVEMENT PROGRAM (CIP) PROJECT. (0760-95)

INTERIM CITY MANAGER WADE stated that since the bid for the project came in substantially lower than the Engineer's estimate, the change order will not have a negative impact on the budget. He noted that the SWPPP is a requirement of our Storm Water Permit.

ENVIRONMENTAL PROGRAM MANAGER HELMER gave background information on the project. He explained that as a result of changes to regulations since the initiation of this project, a SWPPP is now required.

MOTION BY BRAGG, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2013-7371 AUTHORIZING INTERIM CITY MANAGER TO SIGN CHANGE ORDER NO. 9 TO PROFESSIONAL SERVICES AGREEMENT WITH RBF CONSULTING (FORMERLY HIRSCH AND COMPANY; CONTRACT NO. 2085) FOR THE STORM WATER POLLUTION PREVENTION PLAN (SWPPP) PREPARATION AND MONITORING FOR THE BAYSHORE BIKEWAY ACCESS (S12-101) AND PUBLIC WORKS YARD RENOVATIONS (F05-101) CAPITAL IMPROVEMENT PROGRAM (CIP) PROJECT. MOTION CARRIED UNANIMOUSLY.

2.3 RESOLUTION 2013-7372 AUTHORIZING INTERIM CITY MANAGER TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH URBAN CORPS FOR LANDSCAPE SERVICES FOR THE BAYSHORE BIKEWAY ACCESS (S12-101) AND PUBLIC WORKS YARD RENOVATIONS (F05-101) CAPITAL IMPROVEMENT PROGRAM (CIP) PROJECT. (0680-20 & 0910-30)

INTERIM CITY MANAGER WADE reported that a requirement of the Regional Trails Program Grant is to utilize the Urban Corp. to perform services on the project.

In response to questions of City Council, ENVIRONMENTAL PROGRAM MANAGER HELMER stated that the Urban Corp. is a career development organization for youth and young adults that provides services to government agencies. He reiterated that a requirement of the Regional Trails Program Grant is to utilize the Urban Corp. or the Conservation Corp.

MOTION BY BILBRAY, SECOND BY PATTON, TO ADOPT RESOLUTION 2013-7372 AUTHORIZING INTERIM CITY MANAGER TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH URBAN CORPS FOR LANDSCAPE SERVICES FOR THE BAYSHORE BIKEWAY ACCESS (\$12-101) AND PUBLIC WORKS YARD RENOVATIONS (F05-101) CAPITAL IMPROVEMENT PROGRAM (CIP) PROJECT. MOTION CARRIED UNANIMOUSLY.

6.4 RESOLUTION NO. 2013-7373 APPROVING AND ADOPTING A LETTER OF INTENT TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE MEMBERS OF THE CITY'S MISCELLANEOUS CLASSIFIED SERVICE/SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 221, CTW, CLC. (0540-020)

INTERIM CITY MANAGER WADE introduced the item and announced that tentative agreements were submitted as Last Minute Agenda Information.

DAVID GARCIAS, President of SEIU 221, thanked Interim City Manager Wade, the Mayor and City Council for working with the employees and reaching an agreement that was fair to both the employees and the City.

MOTION BY BILBRAY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2013-7373 APPROVING AND ADOPTING A LETTER OF INTENT TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE MEMBERS OF THE CITY'S MISCELLANEOUS CLASSIFIED SERVICE/SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 221, CTW, CLC. MOTION CARRIED UNANIMOUSLY.

I.B. REDEVELOPMENT AGENCY SUCCESSOR AGENCY REPORTS (7)

None.

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

Consent Calendar Item No. 2.3 was discussed after Item No. 6.3.

ADJOURNMENT

Mayor Janney adjourned the meeting at 7:20 p.m.

_____/s/
James C. Janney, Mayor

_____/s/
Jacqueline M. Hald, MMC
City Clerk